

**21562. Adulteration and misbranding of Epsom salt tablets. U. S. v. 35,000 Epsom Salt Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30710. Sample no. 42925-A.)**

This case involved a product described as Epsom salt tablets. Analysis showed that each tablet contained nearly one-half grain of phenolphthalein, which would be responsible for its therapeutic effect, rather than the Epsom salt present.

On July 13, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35,000 Epsom salt tablets at New York, N.Y., consigned in interstate commerce from Worcester, Mass., into the State of New York, alleging that the article had been shipped on or about November 10, 1932, by Brewer & Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Brewer & Company, Inc., Worcester, Mass." and was invoiced as "Epsom Salt Tablets Spec."

Analysis of a sample of the article by this Department showed that it consisted essentially of 0.45 grain of phenolphthalein and 5.66 grains of Epsom salt per tablet.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Epsom Salt Tablets."

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the name of another article.

On August 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21563. Misbranding of Yerbavida. U. S. v. 30 Packages of Yerbavida. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30749. Sample no. 38150-A.)**

Examination of the drug product involved in this case disclosed that it contained no ingredient capable of producing certain curative and therapeutic effects claimed in the labeling.

On July 20, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 packages of Yerbavida at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 12, 1933, by the Yerbavida Co., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of *Ephedra californica*.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the package label and in a circular accompanying the article, were false and fraudulent; (Package) "Drink Your Way to Health \* \* \* 'The Herb of Life' \* \* \* Vitality! Youth! Beauty! Should begin to get results in 10 to 30 days. \* \* \* Effects should be noticed in case of stomach trouble the second day after using. \* \* \* It is especially beneficial in the treatment of kidney, bladder and stomach disorders, and their accompanying ailments. For sound, refreshing sleep. \* \* \* Glands Must Be Fresh and Active The Endocrine Glands are the Alchemists which transmute chemical elements into physical stamina and mental power. The vital organs must be supplied with the all-important glandular hormones. Premature old age, disease, low vitality, fatigue—are the result of endocrine glands that have become sluggish. If you are showing signs of old age; if you are losing your buoyancy—your charm—personality—your manly vigor or your feminine magnetism—Begin To Drink Yerbavida! Prolonged acidity results in stomach, liver and bladder disorders—inflammation—ulcers \* \* \* headaches \* \* \* uric acid in the blood \* \* \* constipation \* \* \* and general fatigue, The Endocrine Glands cease to function properly and thus comes bodily decay and premature old age", (circular) "Vitality \* \* \* Youth Beauty \* \* \* The several thousand diseases of mankind may be reduced to either of two conditions—excessive acidity, or extreme alkalinity. \* \* \* to counteract excessive acidity in the blood, and to aid Nature in restoring the balance in a natural manner. It is said that prolonged acidity results in 97% of the ills

that afflict mankind. Yerbavida is sold under \* \* \* to relieve even the most stubborn cases of over-acidity. \* \* \* Plant of Life. \* \* \* Whenever these people were afflicted with stomach, kidney, bladder and other kindred troubles, they resorted to this kindly plant \* \* \* For general nervousness and insomnia \* \* \* This will insure you a night of restful sleep. \* \* \* For sound, refreshing sleep."

On September 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21564. Adulteration and misbranding of Epsom salt tablets. U. S. v. 104 Cards, and 97 Cards of Epsom Salt Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30759. Sample nos. 43166-A, 43167-A.)**

This case involved a product sold under the name of "Epsom Salt Tablets." Analysis showed that each tablet contained approximately one-fourth grain of phenolphthalein, a synthetic drug, which would be responsible for the principal laxative effect of the tablets. The declaration on the label of the presence of phenolphthalein, a comparatively unknown drug, did not correct the erroneous impression which the average purchaser would obtain from the general labeling that the article relied for its efficacy on the Epsom salt present. It was also labeled to convey the impression that it was a pharmacopoeial product, whereas the United States Pharmacopoeia does not recognize any product under the designation "Epsom Salt Tablets" or "Epsom Salt Laxative Tablets." The label bore unwarranted therapeutic claims.

On July 24, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 201 cards, to each of which were attached a number of envelopes containing Epsom salt tablets at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about July 1, 1933, by the Universal Merchandise Co., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of 5.7 grains of Epsom salt and 0.22 grain of phenolphthalein per tablet.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, (display card:) "Epsom Salt Laxative Tablets", (envelope), "Epsom Salt Tablets."

Misbranding was alleged for the reason that the statement on the envelope, "Epsom Salt Tablets", and the statements on the display card, "Epsom Salt Laxative Tablets", and "U. S. P. Standard Quality", were false and misleading, since the tablets were not composed exclusively of Epsom salt, but contained phenolphthalein, and the United States Pharmacopoeia does not recognize any article under either designation. Misbranding was alleged for the further reason that the statement on the display card, regarding the curative or therapeutic effect of the article, "A Digestive Aid", was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effect claimed.

On August 10, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21565. Misbranding of hydrogen peroxide. U. S. v. 12 Dozen 4-Ounce Bottles, et al., of Hydrogen Peroxide. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30719. Sample no. 44602-A.)**

This case was based on an interstate shipment of hydrogen peroxide, the labels of which bore unwarranted curative therapeutic claims.

On July 11, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 dozen 4-ounce bottles, 12 dozen 8-ounce bottles, and 10 dozen 16-ounce bottles of hydrogen peroxide at Seattle, Wash., alleging that the article had been shipped in inter-